

**From:** Eric Milhizer  
**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement is Unacceptable

DOJ:

As an avid Microsoft product user and small business executive, I have learned to welcome Microsoft's innovative new products and at the same time be crippled by their anti-competitive behavior. I believe that the DOJ is continually ignoring one of the key findings of fact in this Microsoft case: Judge Jackson ruled, and the appellate court upheld, that Microsoft broke antitrust laws. The last corporation of Microsoft's size to do such a thing was AT&T with a \$1.8 billion dollar award to MCI in 1980 (after a ten year legal battle). AT&T was broken up, and the telecommunications landscape subsequently exploded with increasingly innovative and affordable products and services. Ubiquitous availability of cellular telephones and the Internet became available due to this ruling.

As for your behavior in the Microsoft case, I was appalled when I heard that you removed the "break-up" option from the negotiating table without extracting any concessions. While I personally think that a break-up was not warranted, you should be ashamed of yourselves as attorneys for giving something as valuable as that without getting a single thing in return. Remind me not to employ your services for any legal work in the future.

Moreover, Microsoft was proven in a court of law to be a monopoly. Even Republicans (such as myself) have to admit that there is no higher crime in the business world. Monopolies stifle competition, and innovations from smaller companies never make it to market. What if AT&T had not been severely penalized? Would we have cellular service like Sprint PCS, Voicestream, etc? Probably not. Would the Internet have been allowed to flourish if AT&T owned all the local phone lines to the home? Again, probably not.

So in addition to being ashamed of yourselves for poor negotiating skills, you should ask yourself this question: what innovations will never make it to market in the next 5 - 20 years because Microsoft has not had to pay a penalty for its prior, monopolistic actions?

In short, I'm appalled at the DOJ settlement, I'm puzzled by your worthless negotiating tactics, and I'm saddened to think of all the future opportunities lost because of this settlement.

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